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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,028	11/29/2001	Carl Phillip Gusler	AUS920010954US1	6829

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EXAMINER	
NGUYEN, TU X	
ART UNIT	**PAPER NUMBER**
2684	

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/998,028	GUSLER ET AL.	
	Examiner	Art Unit	
	Tu X Nguyen	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-16,19-28 and 31-39* is/are pending in the application.

4a) Of the above claim(s) *5,6,17,18,29 and 30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-16,19-28 and 31-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1, 13 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 7-8, 10, 13-15, 19-20, 22, 25-28, 31-32 and 34-36, are rejected under 35 U.S.C. 103(a) as being unpatentable over unpatentable over Ahlberg et al. (US Patent 5,657,372) in view of Davis et al. (US Pub. 2002/0052225).

Regarding claims 1 and 13, Ahlberg et al. disclose a method of delayed answering of calls directed to a mobile telephone, comprising:

accepting an incoming call from a calling party device (see col.11 lines 44-49);

disabling transmission of input from a voice pickup device associated with the mobile telephone during a preset delay period from a time the incoming call is accepted (see col.11 lines 50-52); and

transmitting a prerecorded message to the calling party device during the preset delay period (see col.11 lines 52-56).

Ahlberg et al. fail to disclose "operation mode".

Davis et al. discloses "operation mode" (see par.0024, 0061, 0119). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlberg et al. with the above teaching of Davis et al. in order to provide preprogram automatically answering an incoming call and providing a message to a caller.

Regarding claims 2 and 14, the modified Ahlberg et al. disclose in response to detection of a voice input, disabling transmission of the prerecorded message; and enabling transmission of input from the voice pickup device (see Ahlberg, col.6 lines 65-66 and col.11lines 44-56).

Regarding claims 3 and 15, the modified Ahlberg et al. disclose the preset delay period is set as an option in the mobile telephone (see Ahlberg, col.9 lines 16-24).

Regarding claims 4 and 16, the modified Ahlberg et al. disclose the preset delay period is set as an option when a user of the mobile telephone registers with a mobile telephone network (see Ahlberg, col.11 lines 24-32).

Regarding claims 7 and 19, the modified Ahlberg et al. disclose the operating mode of the mobile telephone is preset (see Davis, par.0061) by way of one or more on-screen menus of the mobile telephone (see Davis, par.0067-0068).

Regarding claims 8 and 20, the modified Ahlberg et al. disclose the current operating mode of the mobile telephone is preset by way of a physical switch associated with the mobile telephone (see Davis, par.109).

Regarding claims 10 and 22, the modified Ahlberg et al. disclose everything as claim 1 above. More specifically, the modified Ahlberg et al. disclose a schedule of

current events from a memory associated with the mobile telephone" (see Davis et al., par.0061, 0119-0121).

Regarding claims 25, the modified Ahlberg et al. disclose "a computer program product instructions" (see Davis et al., par.0026).

Regarding claims 26-28 and 31-32, the modified Ahlberg et al. and Davis et al. disclose everything as claims 25 and 2-8 above.

Regarding claims 34-35, the modified Ahlberg et al. and Davis et al. disclose everything as claim 25 and 10 above.

Regarding claim 36, the modified Ahlberg et al. and Davis et al. disclose everything as claim 25 and 11 above.

4. Claims 9 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg et al. in view of Davis et al. and further in view of Pinder et al. (US Patent 6,701,160).

Regarding claims 9 and 21, the modified Ahlberg et al. disclose identity of the caller (see Ahlberg, col.9 lines 59-61). However, the modified Ahlberg et al. fail to disclose "comparing the identity of the calling party with a list of calling party".

Pinder et al. disclose "comparing the identity of the calling party with a list of calling party" (see col.6 lines 6-8). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Ahlberg et al. with the above teaching of Pinder et al. in order to provide a feature not to require the mobile user to pick up the device and to determine the caller's identity every

time a call is received and/or under certain circumstance to limit incoming call from certain callers.

5. Claims 11-12, 23-24 and 47-39, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg et al. in view of Davis et al. and further in view of Makela et al. (US Patent 6,301,338)

Regarding claims 11-12, 23-24 and 37-39, the modified Ahlberg et al. fail to disclose at least one of retrieving an identifier indicating whether answering is to be used.

Makela et al. disclose at least one of retrieving an identifier indicating whether answering is to be used (see col.5 lines 52-55). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of the modified Ahlberg et al. with the above teaching of Makela et al. in order to program device in advance to reply a call chosen according to the calling party.

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahlberg et al. in view of Davis et al. and further in view of Pinder et al.

Regarding claim 33, the combination Ahlberg et al. and Davis et al. fail disclose identity of the caller (see col.9 lines 59-61). However, Ahlberg et al. fail to disclose "comparing the identity of the calling party with a list of calling party".

Pinder et al. disclose "comparing the identity of the calling party with a list of calling party" (see col.6 lines 6-8). Therefore, It would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify the system of Ahlberg et al. and Davis et al. with the above teaching of Pinder et al. in order to provide a feature not to require the mobile user to pick up the device and to determine the caller's identity every time a call is received and/or under certain circumstance to limit incoming call from certain callers.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 703-305-3427. The examiner can normally be reached on Monday through Friday from 8:30AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

TN

December 15, 2004

NAY MAUNG
SUPERVISORY PATENT EXAMINER